



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*Am*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,923	07/25/2000	Stuart D. Green	JTT006-00	7085
7590	05/18/2005			EXAMINER
JEFFREY VAN MYERS P.O. BOX 130 DRIFTWOOD, TX 78619			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/624,923	GREEN ET AL.
	<b>Examiner</b>	Art Unit
	Christopher A. Revak	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 February 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,10,11,19, and 20-23 is/are rejected.

7)  Claim(s) 3-9 and 12-18 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed February 22, 2005, with respect to the rejections of claims 1-19, and 21-23 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Landfield et al, U.S. Patent 5,632,011.
  
2. Applicant's arguments filed February 22, 2005 with respect to claim 20 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the portal" selectively transfers the data of protection rules from the server via the untrustworthy network) are not recited in the rejected claim. It rather recites "the server selectively transfers the database of protection rules via said untrustworthy network to said portal." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,10,11,19, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Landfield et al.

As per claims 1,10,19, and 21-23, it is disclosed by Landfield et al of a communications security system and method to prevent transfer of selected communication transactions from a public (untrustworthy) network to a private (trustworthy) network comprising a firewall host (server), connected to the public (untrustworthy) network, that maintains a database of protection rules, each of which, when applied to a communication transaction, identifies that communication transaction to be a respective one of the selected communication transactions and a firewall (portal), connected between the public (untrustworthy) network and the private (trusted) network. The firewall (portal) selectively transfers the database of protection rules from said firewall host (server) via said public (untrustworthy) network; receives a communication transaction from the public (untrustworthy) network for transfer to the private (trustworthy) network; applies each of the protection rules to the received communication transaction and prevents the transfer of the received communication transaction to the private (trustworthy) network if a protection rule identifies the received communication transaction to be a respective one of the selected communication

transactions (col. 3, line 35-67 and as shown in Figure 1). The examiner is interpreting the firewall (portal) as software operating on the firewall host (server).

As per claims 2 and 11, it is taught by Landfield et al that the transfer of the database from the server to the portal is via a secure protocol (col. 4, lines 4-8).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nessett et al, U.S. Patent 5,968,176 in view of Sheldon.

It is recited by the teachings of Nessett et al of system for establishing a firewall system in a network that has security functions (col. 3, lines 20-22 and col. 5, lines 58-60). The teachings are embodied as a WAN that connects private (trustworthy) networks across the Internet (untrustworthy network)(col. 10, lines 28-31 and col. 15, lines 22-26). A network management station (server) includes a topology database that stores the security policy statements (protection rules)(col. 7, lines 13-21). The security policy statements (protection rules), when applied, identify the traffic (communications transactions) of a particular type of selected communication transaction and how the firewall (portal) should behave (col. 3, lines 29-34, col. 10, lines 1-9, & col. 17, lines 32-40). A firewall (portal) is connected between the Internet (untrustworthy network) and

the private (trusted) network (col. 3, lines 20-27 & col. 10, lines 28-31). Updates to the security policy statements (protection rules) are selectively transferred from the network management station's (server) database to the firewalls (portals) across the Internet (untrustworthy network)(col. 9, lines 17-32 & col. 10, lines 28-31). The teachings of Nessett et al disclose of controlling network traffic (col. 3, lines 53-54) and that a security policy dictates the way the network devices should accept or deny traffic (communication transaction) according to the firewall (portal)(col. 17, lines 32-40), but the teachings of Nessett et al are silent in disclosing that the transfer of selected communication transactions from an untrustworthy network is prevented. It is disclosed by Sheldon that a firewall enforces security policies by monitoring traffic from outside the network such as the Internet (untrustworthy network) addressed to the internal network (trustworthy network) and selectively preventing the transfer of traffic (communication transactions) by applying security policies (protection rules)(pg 3 & 7). It would have been obvious to a person of ordinary skill in the art to have been motivated to apply means to prevent the transfer of communication transactions from an untrusted network as a means of protecting a trusted network from a malicious attack. Sheldon recites motivation for the use of firewalls implementing security policies to prevent the transfer of communication transactions from untrustworthy network whereby it is taught that firewalls keep hackers out of your network by monitoring for attacks and when one is detected, action is taken to prevent it from happening (pg 4). Although the teachings of Nessett et al disclose of the use of a firewall that enforces a security policy, it is obvious that the teachings of Nessett et al utilize the firewall as a measure to

prevent the transfer of communication transactions from untrusted networks to a trusted network as is notoriously well known in the art and as evidenced by the teachings of Sheldon.

***Allowable Subject Matter***

7. Claims 3-9 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Landfield et al, U.S. Patent 5,928,333 discloses of distributing updates to a firewall across a public network to separate private networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
CR  
May 13, 2005

Christopher Revak  
AU 2131

CR  
5/13/05